



OFFICE OF THE POLICE COMMISSIONER

ONE POLICE PLAZA • ROOM 1400

CHAN

June 27, 2012

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Tonya Brooks**
Tax Registry No. 921174
Police Service Area 6
Disciplinary Case Nos. 85384-09 & 86387/10

The above named member of the service appeared before Assistant Deputy Commissioner Robert W. Vinal on March 8, 2011 and was charged with the following:

DISCIPLINARY CASE NO. 85384/09

1. Said Police Officer Tonya Brooks, assigned to the Police Service Area #6, on or about January 3, 2008, while on-duty, failed to comply with a lawful order given by a supervisor, to wit: said Police Officer failed to furnish her memobook to Sergeant Person B when requested to do so.

P.G. 203-03, Page 1, Paragraphs 2

COMPLIANCE WITH ORDERS

2. Said Police Officer Tonya Brooks, assigned to the Police Service Area #6, on or about January 3, 2008, while on-duty, was discourteous to New York City Police Sergeant Person B, to wit: said Police Officer put her hands up and repeatedly stated, "I can't hear you," when Sergeant Person B attempted to speak to said Police Officer regarding her memobook.

P.G. 203-09, Page 1, Paragraph 2

PUBLIC CONTACT – GENERAL

DISCIPLINARY CASE NO. 86387/10

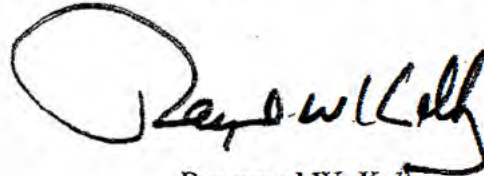
1. Said Police Officer Tonya Brooks, assigned to the Police Service Area #6, on or about May 11, 2009, while on-duty, was discourteous to New York City Police Sergeant Gallagher, to wit: after being asked by Sergeant Gallagher over the telephone to conduct a warrant check, said Police Officer spoke to Sergeant Gallagher sarcastically and in sing-song voice, and repeatedly asked for the spelling of the individual's name before said Police Officer conducted the warrant check.

P.G. 203-09, Page 1, Paragraph 2

PUBLIC CONTACT – GENERAL

In a Memorandum dated July 22, 2011, Assistant Deputy Commissioner Robert W. Vinal found the Respondent Not Guilty of Specification Nos. 1 and 2 in Disciplinary Case No. 85384/09 and Guilty of Specification No. 1 in Disciplinary Case No. 86387/10. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

The Respondent's actions were inappropriate within the structure of a paramilitary organization and members of the service must always address ranking officers with respect and courtesy. Therefore, the Respondent is to forfeit twenty (20) vacation days, as a disciplinary penalty.

A handwritten signature in black ink, appearing to read "Raymond W. Kelly". The signature is stylized with a large, loopy initial "R" and a long, sweeping underline.

Raymond W. Kelly
Police Commissioner



POLICE DEPARTMENT

July 22, 2011

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Tonya Brooks
Tax Registry No. 921174
Police Service Area 6
Disciplinary Case Nos. 85384/09 & 86387/10

The above-named member of the Department appeared before me on March 8, 2011,¹ charged with the following:

Disciplinary Case No. 85384/09

1. Said Police Office Tonya Brooks, assigned to the Police Service Area #6, on or about January 3, 2008, while on-duty, failed to comply with a lawful order given by a supervisor, to wit: said Police Officer failed to furnish her memobook to Sergeant Person B when requested to do so.

P.G. 203-03, Page 1, Paragraph 2 COMPLIANCE WITH ORDERS

2. Said Police Office Tonya Brooks, assigned to the Police Service Area #6, on or about January 3, 2008, while on-duty, was discourteous to New York City Police Sergeant Person B, to wit: said Police Officer put her hands up and repeatedly stated, "I can't hear you," when Sergeant Person B attempted to speak to said Police Officer regarding her memobook.

P.G. 203-09, Page 1, Paragraph 2 PUBLIC CONTACT GENERAL

Disciplinary Case No. 86387/10

1. Said Police Officer Tonya Brooks, while assigned to PSA #6, on or about May 11, 2009, while on duty, was discourteous to New York City Police Sergeant Gallagher, to wit: after being asked by Sergeant Gallagher over the telephone to conduct a warrant check, said Police Officer spoke to Sergeant Gallagher sarcastically and in a sing-song

¹ The trial record was held open until March 31, 2011, for the submission of evidence.

voice, and repeatedly asked for the spelling of the individual's name before said Police Officer conducted the warrant check.

P.G. 203-09, Page 1, Paragraph 2 – PUBLIC CONTACT GENERAL

The Department was represented by Javier Seymore, Esq., Department Advocate's Office. The Respondent was represented by Michael Martinez, Esq.

The Respondent, through her counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Disciplinary Case No. 85384/09

The Respondent is found Not Guilty.

Disciplinary Case No. 86387/10

The Respondent is found Guilty.

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Sergeant William Gallagher and Lieutenant Daryl Miller as witnesses.

Sergeant William Gallagher

Gallagher, an 11-year member of the Department who is currently assigned to the Internal Affairs Bureau (IAB), was assigned to Police Service Area (PSA) 6 as an anti

crime supervisor during May, 2009. Gallagher recalled that on May 11, 2009, he supervised a Street Narcotics Enforcement Unit (SNEU) operation. During the course of the operation, a member of his SNEU team, Police Officer Vasquez, radioed him that he had just witnessed a hand-to-hand drug transaction. Vasquez provided Gallagher with a description of the seller who then tried to drive away in a vehicle.

Gallagher and another member of his SNEU team, Police Officer Melrose, stopped the vehicle. They discovered that the driver, who stated that his name was Person A, was not in possession of a driver's license. Gallagher instructed Melrose to conduct a warrant check on Person A and to also run the vehicle's license plate number. Gallagher was unsure of whether he or Melrose contacted the Communications Division over the radio. Gallagher recalled that the Communications Division operator informed them that she could not perform a warrant check at that time because her computer screen was frozen.

Gallagher then directed Melrose to contact the telephone switchboard operator (TSO) at PSA 6 and instruct the TSO to conduct the warrant check and the plate check. Melrose returned and informed Gallagher that the TSO had refused to perform the checks. Gallagher then called the PSA 6 TSO desk directly via cell phone. He spoke to the Respondent (who was assigned as the TSO). He told her to conduct the checks. The Respondent told him to do the checks over the radio. When Gallagher told her to conduct the checks a second time, he received the same response. He then ordered the Respondent to conduct a warrant check.

As Gallagher began to provide the Respondent with Person A's pedigree

information, she “started to completely slow down her tone of voice, changed her delivery of her voice changed, and she kept on making” Gallagher “repeat the name over and over again starting from the beginning.” Gallagher recalled that after he began to spell out the first three or four letters of Person A’s name, the Respondent asked him to start at the beginning again. She did this more than once. After Gallagher had finished spelling out the name “Person A,” the Respondent asked Gallagher if Person A was a male or a female. Gallagher testified that since it is common knowledge that Person A is a male name, he concluded that the Respondent was being difficult with him on purpose. Gallagher testified that since the process was taking far longer than it should have, he told the Respondent twice to stop and just write down the information. Gallagher testified that he handed the phone to Melrose and that the warrant check was ultimately completed by the desk sergeant.

The warrant check revealed that Person A had outstanding warrants and he was placed under arrest. When he returned to PSA 6, Gallagher encountered the Respondent. When he told her that he would be issuing her a command discipline (CD), she replied, “Thank you.”

On cross-examination, Gallagher agreed that when he prepared the CD he wrote that the Respondent was unwilling to conduct a warrant check until officially ordered to do so and that she had a poor attitude and unprofessional behavior which had put officers’ safety at risk. He disagreed with the proposition that the Department preferred that members of the service run computer checks using their own computer codes so that the Department could keep track of who had performed checks.

Lieutenant Daryl Miller

Miller, a 29-year member of the Department who is assigned to the Housing Bureau Investigations Unit (HBIU), recalled that he was assigned an investigation, that had previously been handled by another investigator, regarding an allegation made by Sergeant Person B (who retired from the Department on April 10, 2010) that the Respondent had been discourteous to her on January 3, 2008.

Miller recalled that he reviewed a tape-recorded interview of Person B [Department's Exhibit (DX) 1 and 1A, audio recording and transcript of interview] that was conducted on April 4, 2008, by Sergeant Holsey of HBIU, Lieutenant Tsang, Integrity Control Officer for PSA 6, and Captain Beary, Executive Officer for PSA 6. Miller personally conducted an official Department interview of the Respondent. Miller ultimately closed the investigation by substantiating Person B's allegation of discourtesy against the Respondent.

On cross-examination, Miller confirmed that the incident between the Respondent and Person B occurred at approximately 7:50 p.m. on January 3, 2008 and that it was the Respondent, not Person B, who had first reported the incident. Miller confirmed that the Respondent called IAB at 12:46 a.m. on January 4, 2008, one hour after her tour of duty had ended, and that she had made an allegation against Person B. Miller did not handle the investigation that was initiated as a result of the Respondent's call to IAB and he did not know what the result of that investigation was. The investigation Miller conducted only concerned Person B's allegation that the Respondent had been discourteous to her. He confirmed that the Respondent had been offered but had refused to accept a CD which carried a penalty of one vacation day. Miller never personally spoke to Person B.

Miller

confirmed that at her official Department interview, the Respondent stated that on January 3, 2008, a man named Person C had come into PSA 6 to retrieve property, that Person C had proceeded to behave in a way that caused Person B to believe he should be arrested for disorderly conduct, and that the Respondent had not agreed with Person B's assessment of Person C's conduct.

The Respondent's Case

The Respondent testified in her own behalf.

The Respondent

The Respondent, a 12-year member assigned to PSA 6, recalled that on January 3, 2008, she was on duty assigned as station house security and TSO. At about 7:50 p.m., a man who said his name was Person C entered PSA 6 and asked, "Excuse me, can someone come help me?" His voice was raised and he was demanding immediate attention. The Respondent told him to stand by for a second while she got up from and walked around the TS desk. As she approached him, the Respondent could see that Person C was visibly upset. He flailed his arms a bit and elevated his voice slightly as he explained to her that he was there to retrieve property. Person C handed her a property voucher. He stated that he had been arrested earlier, that he felt that his arrest had been unjust, and that he was annoyed that he had not received medical attention.

The Respondent testified that as Person C was speaking to her, Person B approached and demanded that Person C leave the station house. Person B called Person C a liar. Person B took the property voucher that Person C had given to the Respondent, handed it back to him

and again ordered him to leave the station house. The Respondent described Person B's demeanor as loud, boisterous, and mean. Person C attempted to explain to Person B that he needed his property. Person C did not curse or use foul language. Person C eventually left. After he left, Person B did not say anything to the Respondent. As the Respondent was returning to the TS area, she heard Person C call her. When she turned around, she saw that Person B had pinned Person C up against the wall and was handcuffing him. Person C was not fighting with Person B. The Respondent did not believe that Person C had committed any crime and she saw no reason why Person B would arrest him. Person B did not offer an explanation.

The Respondent returned to the TS area and began to write an entry in her Activity Log regarding the incident because she felt that Person B had unjustly arrested Person C. When Person B asked her what she was doing, the Respondent explained that she was making an entry regarding the incident. Person B was quiet for a moment and then asked her whether she was done making the entry. When the Respondent stated that she had not yet finished her entry, Person B repeated the question. Person B then demanded to see Respondent's Activity Log. The Respondent gave it to Person B who took it and walked away. A minute or two later, Person B returned the Activity Log to her. The Respondent observed that Person B had "scratched" her Activity Log by signing her name directly underneath the Respondent's unfinished entry about Person C. The Respondent started writing again in her Activity Log, continuing her entry about Person C's arrest. She was unable to complete the entry because Person B immediately ordered her to go to meal. [Respondent's Exhibit A is a copy of the Respondent's Activity Log.]

The Respondent finished her tour at 11:35 p.m. and arrived home shortly after

midnight. Using the landline phone in her residence, she made a notification to IAB that Person B had made what she believed was an unjust arrest. The Respondent was issued an IAB log number and was later interviewed by Miller. She was unaware that Person B had been subjected to any discipline as a result of her call to IAB. The Respondent was issued a CD by Person B. This CD, which she declined to sign, carried a penalty of one or two vacation days.

She testified that Person B asked her about three times if she was finished writing in her Activity Log. While she was still writing, Person B asked her to hand over her Activity Log. The Respondent denied that she ever put her hands up in the air and told Person B, "I can't hear you, I can't hear you."

Regarding May 11, 2009, the Respondent testified that she was again assigned as the TSO. When Melrose called and told her that he needed her to run two warrant checks for him, she assumed that he had stopped two people. She asked him if he had an opportunity to "run" the warrant checks over citywide radio. She explained that she commonly made this inquiry to avoid getting in trouble for running a warrant check over a landline. She testified that it was "a safety issue" because she did not know where Melrose was located or if the warrant checks he was requesting were for "a legitimate purpose." She explained that the Patrol Guide requires that warrant checks be performed over an officer's mobile digital terminal. If that is not possible, the citywide radio frequency should be used and, as a last resort, the check is performed by the TSO. Melrose told the Respondent that he did not have the time for this. When she asked him what he meant, Melrose hung up the phone.

Shortly after Melrose hung up on her, the Respondent received another call. The

caller did not identify himself. He said in a "very loud" tone, "Brooks, I want you to run these warrants for me right now." The Respondent asked who was on the line and the caller identified himself as Sergeant Gallagher. She told him, "Sarge, let me get a piece of paper and a pen and I will run the warrants for you." She did not tell Gallagher to conduct the checks over the citywide radio. She asked how many people had been stopped. He stated that he had two people stopped. She asked him to give her their first and last names and dates of birth. Because there was noise pollution from the street in the background, the Respondent had some difficulty hearing Gallagher. She asked Gallagher to use the phonetic alphabet when spelling the names so that she would get the names correctly and avoid inputting incorrect information in the computer system. The Respondent testified that using the phonetic alphabet is strongly encouraged in the Department. When Gallagher gave her the name "Person A," she asked him if "it was a male or a female." Gallagher told her to "stop fooling around" and told her that he would be issuing her a CD. The Respondent asked Sergeant Morant, who was assigned as the desk officer, if she could run the warrant checks for her. Morant ran the warrant checks and Morant conveyed the results of the checks to Gallagher.

The Respondent next saw Gallagher when he returned to PSA 6. He yelled across the room that he was going to issue her a CD. She had no recollection that she had responded to what he had said. Some time later, the Respondent was offered a CD with a penalty of one or two vacation days, which she declined. The Respondent testified that she took the information Gallagher provided to the best of her ability, that she had no intention of being annoying or discourteous, and that she only "wanted to make sure I was getting all the right information." She stated that she never spoke in a tone that could

be described as "singsong."

On cross-examination, she was asked why she did not tell a supervisor at PSA 6 who outranked Person B about Person B's unjust arrest of Person C. She answered that she did not have a reason as to why she did not notify a higher ranking supervisor, she "just chose to call IAB."

With regard to her telephone conversation with Gallagher, the Respondent asserted that she had "tried" to tell Gallagher that she was having difficulty hearing him but that she "was met with the threat of command discipline." She explained that she had asked Morant to perform the warrant checks "instead of subjecting myself to further abuse." She acknowledged that when Melrose asked her to perform the warrant checks, she "questioned why he is running the warrant check" because she "wanted to make sure because I have no way of knowing if this is a legitimate stop or not, so for number one for safety, for his safety, because he has to indicate where his location is and number two, I have to make sure that this is a legitimate stop."

FINDINGS AND ANALYSIS

Disciplinary Case No. 85384/09

It is charged that on January 3, 2008, while on duty, the Respondent failed to comply with a lawful order given by Sergeant Person B in that she failed to furnish her memo book to Person B when requested to do so, and that she was also discourteous to Person B in that she put her hands up and repeatedly stated, "I can't hear you," to Person B when Person B attempted to speak to her regarding her memo book.

The only evidence offered by the Department to prove this charge was the

interview of Person B² (DX 1 and 1A) which was offered as hearsay at this trial since Person B did not testify. Thus, the question presented is: Does Person B's uncorroborated and unsupported hearsay constitute credible evidence sufficient for the Department to meet its burden of proving these charges by a preponderance of the evidence? I find that this question must be answered in the negative.

Miller testified that he was not present during the interview of Person B (which was conducted by Sergeant Holsey of HBIU, Lieutenant Tsang, ICO for PSA 6, and Captain Beary, Executive Officer for PSA 6) and that he has never met Person B. Thus, Miller was unable to offer a description of Person B's demeanor during the interview. The only person who testified at this trial who was present when Person B arrested Person C inside PSA 6 on January 3, 2008, was the Respondent.

The fact that the Respondent's attorney was not able to cross-examine Person B at this trial is significant here because the statements Person B made at her Department interview indicate that Person B may have had a personal motive to want to make trouble for the Respondent.

Person B acknowledged at her interview that when Person C entered PSA 6 on January 3, 2008, she recognized him because the night before he had been arrested and she was the sergeant who had verified his arrest (DX 1A, page 5). Although Person B corroborated the Respondent's testimony that Person C's voice was raised, that he demanded immediate attention and that he was annoyed that he had not received medical attention the night before, she asserted that she could not recall whether he was there to retrieve his property, which would have been a legitimate purpose for him to enter PSA 6 (DX 1A, pages 5-7). The Respondent's attorney was not able to cross-examine Person B

² Person B retired from the Department on April 10, 2010.

about her lack of recollection as to why Person C had entered PSA 6, or regarding why she had handcuffed Person C and arrested him for Disorderly Conduct.

Neither was the Respondent's attorney able to cross-examine Person B about whether the real reason that she had charged the Respondent with being discourteous to her was because she was angry at the Respondent for not helping her arrest Person C. Person B stated at her interview that when she was struggling to subdue and handcuff Person C, the Respondent remained in her seat in the reception area and did not come to her aid (DX 1A, page 12).

With regard to Person B's allegation that the Respondent had failed to furnish her memo book to Person B until Person B issued her "a lawful order" (DX 1A, page 13) to do so, Person B was asked at her interview, "Why did you ask for the memo book?" Person B answered, "I asked her for her memo book because I already instructed her to not let the collar back in here, instructed them, you know, not to come back into the station house." (DX 1A, page 12-13). Since this answer was nonsensical, Person B's interviewers asked her again, "Why did you ask for her book?" Person B's answer, "I was going to sign her book," was nonresponsive because she never answered the "why" question. Also, Person B's admission that she "took" the Respondent "outside" and that it was while they were outside that she "asked her for her book" (DX 1A, page 13) raises questions about why Person B wanted to read the entry the Respondent had been writing only when they were alone outside.

Person B's nonresponsive answers to the questions of why she wanted to see the entry that the Respondent was writing in her Activity Log and why Person B "took her outside" and "asked for her book," raise questions about whether Person B was trying to

intimidate the Respondent into writing an extremely brief entry in her Activity Log which did not include what Person C had said to her.

Finally, I find it significant that Person B admitted at her interview that when she went to speak to Captain O' Brien, Executive Officer for PSA 6, she was seeking a "possible suspension" of the Respondent but that O' Brien directed her to merely issue the Respondent a CD (DX 1A, page 14-15)

Since Person B's uncorroborated and unsupported hearsay statements do not constitute credible evidence sufficient for the Department to meet its burden of proving these charges by a preponderance of the evidence, the Respondent is found Not Guilty.

Disciplinary Case No. 86387/10

It is charged that on May 11, 2009, while on duty, the Respondent was discourteous to Sergeant Gallagher in that, after being asked by Gallagher over the telephone to conduct a warrant check, the Respondent spoke to Gallagher sarcastically and in a singsong voice and repeatedly asked for the spelling of the name of an individual before conducting the warrant check.

Gallagher testified that as he was providing the Respondent with Person A's pedigree information, she started to "slow down her tone of voice," she "changed her delivery," her "voice changed," and she "kept on making" him "repeat the name over and over again starting from the beginning." Gallagher testified that after he began to spell out the first three or four letters of Person A's name, the Respondent asked him to start at the beginning again and that she did this more than once. Finally, after Gallagher had finished spelling out the name "Person A" to the Respondent, she

asked him if Person A was a male or a female.

The Respondent testified on direct examination that shortly after Melrose had asked her to perform the two warrant checks, he told her that he did not have time for this and he terminated their telephone conversation. The Respondent further testified that shortly after Melrose hung up on her, Gallagher called her and that he loudly demanded, "Brooks, I want you to run these warrants for me *right now* (emphasis added)." The Respondent also testified that when she informed Gallagher that she was having difficulty hearing him she "was met with the threat of command discipline."

The Respondent asserted on direct examination that she fully cooperated regarding performing the requested warrant checks during her conversation with Melrose and during her conversation with Gallagher. She offered no explanation on direct examination for why Melrose would tell her that he did not have time for this and immediately end their conversation, or why Gallagher quickly threatened her with command discipline.

However, on cross-examination, the Respondent made admissions which belied her assertions on direct examination that she had said nothing to Melrose that justified his "I don't have time for this" comment, or his action of hanging up on her, or Gallagher's loud demand that she run the requested warrant checks immediately and his threat of command discipline. The Respondent admitted that she had "questioned" Melrose regarding "why he is running the warrant check" because she "wanted to make sure, because I have no way of knowing, if this is a legitimate stop or not" and "I have to make sure that this is a legitimate stop."

The Respondent acknowledged that as the TSO she had a duty to provide

requested assistance to officers in the field who needed her assistance and she further acknowledged that prompt warrant checks regarding suspects who are being detained by officers in the field are important as a “safety issue.” Nonetheless, she claimed that she needed to question Melrose about whether the warrant checks he was requesting were based on “a legitimate stop or not” because, she asserted, it was her job to “make sure that this is a legitimate stop.”

Since I reject the Respondent’s claim that she had a duty to conduct an inquiry as to whether the requested warrant checks were based on “a legitimate stop,” her admitted action of questioning Melrose about the basis for the warrant checks leads to the conclusion that she did this because she did not want to have to perform these warrant checks and she was trying to avoid having to perform them. This conclusion supports Gallagher’s testimony that during his telephone conversation with the Respondent she became purposely difficult, dilatory and obtuse as he was providing her with pedigree information regarding Person A.

Since Gallagher and the Respondent had no prior history of animosity (she testified that she did not even recognize his voice on the telephone), I can find no reason why Gallagher would have threatened to issue her a CD during their telephone conversation and then actually issued her a CD upon his return to PSA 6 unless she had been discourteous to him, as he claimed in his testimony, by the changing the cadence and tone of her voice, by making him spell out Person A’s name over and over again and, finally, by asking him if Person A was a male or a female.

The Respondent is found Guilty.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 N.Y. 2d 222 (1974).

Respondent was appointed to the Department on July 1, 1998. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Assistant Department Advocate recommended that the Respondent be required to forfeit 30 vacation days as a penalty regarding all the misconduct charged in both of these cases. However, I have found the Respondent Not Guilty of the two Specifications she was charged with under Disciplinary Case No. 85384/09.

With regard to Disciplinary Case No. 86387/10, the Respondent has been found Guilty of being discourteous to Sergeant Gallagher in that after he asked her to conduct a warrant check, the Respondent spoke to Gallagher in an improper manner and repeatedly asked for the spelling of the name of an individual regarding a warrant check.

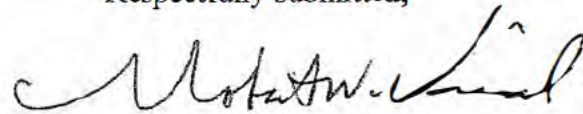
In a recent decision, Disciplinary Case No. 86214/10 signed on June 9, 2011, a 20-year detective with one prior disciplinary adjudication forfeited 20 vacation days after he was found guilty at trial of discourteously asking a lieutenant for her name so that he would have it if he got into an vehicular accident and wanted to sue her. The detective made this remark after the lieutenant had directed him to transport evidence by driving a truck to another borough. However, in that case, unlike here, the member also pleaded guilty to having failed to make complete Activity Log entries.

In a case where the facts are somewhat similar to those presented here, Disciplinary Case No. 81483/06 signed on October 6, 2008, a 25-year member forfeited

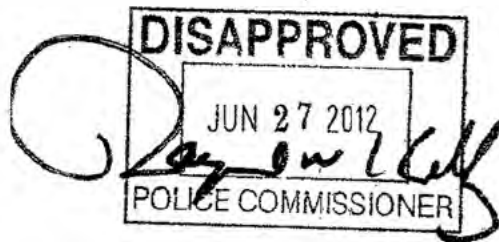
15 vacation days after she was found guilty at trial of being discourteous to a sergeant. After the sergeant asked the member to transport paperwork to the Borough office, the member spoke to the sergeant in an unprofessional tone and manner and replied, "I can't do it. I am on meal."

Having examined the facts and circumstances surrounding the Respondent's misconduct and having examined the Respondent's performance record and disciplinary history, I recommend that the Respondent forfeit 15 vacation days.

Respectfully submitted,



Robert W. Vinal
Assistant Deputy Commissioner - Trials



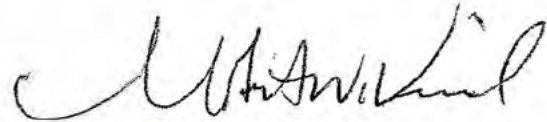
POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner - Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER TONYA BROOKS
TAX REGISTRY NO. 921174
DISCIPLINARY CASE NOS. 85384/09 & 86387/10

The Respondent received an overall rating of 3.5 on her 2010 performance evaluation, 3.5 on her 2009 evaluation, and 3.5 on her 2008 evaluation. She has no medals. [REDACTED]. She has no prior formal disciplinary record.

On July 13, 2009, she was placed in Level I Disciplinary Monitoring based on a negative performance rating regarding behavior. On May 18, 2010, she was placed in Level II Disciplinary Monitoring having been upgraded from Level I.

For your consideration.



Robert W. Vinal
Assistant Deputy Commissioner – Trials